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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,930	01/24/2005	Armin Heiner	23029	6647

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EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,930	<b>Applicant(s)</b> HEINER ET AL.	
	<b>Examiner</b> Shelley Self	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/24/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*support member each displaceable...between a work position bearing generally at a plane on a respective one of the regions of the flitch and a rest position retracted from the plane*” of claim 1 (i.e. both extended and retracted positions should be clearly illustrated) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “19” has been used to designate both *support face* (pg. 4, line 26) and *holding claws* (pg. 4, line 27).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet”

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pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract should be *submitted on a separate sheet*.

Additionally the disclosure is objected to under 37 CFR 1.71(b), the recitations, on page 1, lines 3-5 "*The invention relates to an apparatus...according to the introductory clause of claim 1*" and page 2, lines 15-16, "*This object is achieved by the characterizing clause of claim 1.*"

Do not set forth a clear and concise written description of the invention for which a patent is solicited, i.e., what is the introductory clause. The specification should be clear and concise without use of the claims for an understanding of the disclosure.

Additionally, the preliminary amendment filed January 24, 2005 cancelled claims 1-6. Accordingly claim 1 no longer exists in the application

Appropriate correction is required.

***Claim Objections***

With regard to claim 8, for clear antecedent basis, "*the members*" should be --the support member--.

***Claim Rejections - 35 USC § 112***

Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Neither the specification provide support for a combination of a log beam and log bar (clm. 7). The specification clearly recites and sets forth a log bar (12), further this feature is clearly illustrated within the drawings. However the specification is silent to a log beam. Accordingly, because the specification fails to adequately set forth proper antecedent basis for the term, "log beam", it is not clear how the log beam and log bar are related. Clarification is required.

For the purposes of examination, the Examiner notes the log beam and log bar to be one structure.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 7-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Claim 7 (line 14-15) and claim 12 (line 2-3) recites the limitation "*the log bar*".

There is no antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 and 12 as best as can be understood rejected under 35 U.S.C. 103(a) as being unpatentable over Cremona (6,681,819) in view of Cremona (4,352,488). Cremona '819, discloses a veneer-slicing machine comprising a frame (fig. 1); a log beam (26) extending along and rotatable on the frame about an axis (20) and having a generally planar longitudinal edge (fig. 4) extending support face having a pair of longitudinal edges; means for securing (27) an elongated flitch to the support face (col. 3, lines 4-8); a blade (18) on the frame having a cutting edge extending substantially parallel to the axis (20) and displaceable on the frame transversely (col. 2, lines 22-24) of the axis (20), whereby when the log beam (26) is rotated to orbit the flitch about the axis (20) and the blade is displaced into the orbit of the flitch, the blade (18) slices veneer from the flitch. Cremona '819 does not disclose support members displaceable on the log beam or means for displacing support members. Cremona '488 teaches in a closely related art a stay log mechanism for use in conjunction with a veneer lathe/slicing machine. Cremona '488 teaches a log beam (fig. 3) extending along and rotatable on a frame about an axis (fig. 2), means for securing (2) a flitch (T) to the planar support surface (fig. 3) of the support member

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(fig. 3), respective support members (7) each displaceable on the log bar (fig. 2, 3) between a work position bearing generally at a plane on a respective one of the edge regions of the flitch (fig. 3) and a rest position retracted back from the plane (fig. 2; col. 4, lines 17-19); means for displacing the support members (7) into the work positions during rotation of the log beam (1) and slicing of veneer from the flitch (T) for supporting the edge regions of the flitch (T) and preventing deformation.

Examiner notes the support members (7) rotatable about an axis (4; col. 2, 60-64), thus a means for displacing being the rotation of the members (7), force of the flitch (T) on the beam (1) during rotation and gravity.

Because the references are from a similar art and deal with a similar problem, (i.e. securing a log for rotation about a beam for cutting veneer from the log) it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Cremona's '819 stay log device (26; fig. 3, 4) with a stay log including support members displaceable from a work and rest position so as to efficiently support a flitch about a log beam during rotation of the beam for cutting via a knife/blade of the lathe/slicing apparatus as taught by Cremona '488

Furthermore, it would have been equally obvious at the time of the invention to provide Cremona '488 with a frame and blade displaceable on the frame transversely of the axis so as to place the blade within the orbit of the flitch for efficient veneer-slicing from the flitch as taught by Cremona '819.

With regard to claim 8, as best as can be understood Cremona '488 discloses the support members (7) having straight longitudinal edges engageable with the flitch at the plane.

With regard to claim 9, as best as can be understood Cremona '488 discloses the plates (7) pivotable between the work and rest positions (figs. 2, 3) about an shaft (4).

With regard to claim 12, as best as can be understood Cremona '488 discloses plates (7) are pivotal about axes (4) parallel to the log beam/bar (1).

### ***Allowable Subject Matter***

Claim 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if any 35 U.S.C. 112 rejections were allowable.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or fairly suggest *means for displacing include actuators braced against the frame* in combination with the rest of the claimed limitations as set forth in claim 10.

The prior art of record, Cremona '488 discloses a veneer-slicing machine wherein a stay log device is utilized. The stay log device (fig. 3) comprising a log bar/beam (1) for holding a flitch against a planar longitudinally extending support surface of the bar/beam (1). The flitch being held via retaining dogs (2) that are displaceable into corresponding grooves (26) of the flitch (T). Further Cremona '488 discloses support members (7) that are rotatable about axes that are parallel to an axis of rotation of the bar/beam (1) via shaft (4). The support members (7) having flat planar surfaces that contact the flitch (T) so as to grip and support the flitch (T) as the bar/beam (1) is rotated. During rotation, Cremona '488 teaches that a knife (14) contacts an outer surface of the flitch (T) removing veneer from the flitch (T) as the flitch is rotated.



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Cremona '488 does not disclose of fairly suggest *means for displacing include actuators braced against the frame*. Instead, Cremona's '488 support members (7) are movable via gravity and force of the flitch (T) contacting the support members (7). Accordingly, Cremona fails to anticipate or render obvious the claimed invention as set forth in claim 10.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claim 10. Therefore, claims 10 and 11 contain allowable subject matter over the prior art of record.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf  
February 10, 2006